

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5998 of 1984

Date of decision: 24-7-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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GUJ STATE ROAD TRANSPORT CORPN

Versus

FATEHSINH P DABHI  
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Appearance:

Mr. N. B. Anjaria for MR SN SHELAT for Petitioner  
None present for respondent.  
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ORAL JUDGEMENT

Challenge is made by the Gujarat State Road Transport Corporation by filing this special civil application to the award of the Labour Court, Ahmedabad, made on 31st July, 1984 in Reference (LCA) No.887 of 1983. The respondent workman raised industrial dispute regarding his dismissal from service which has been referred to the Labour Court at Ahmedabad. The respondent workman was employed as conductor in the Corporation. He was charge-sheeted for the irregularities made in issuing tickets. The charges were that he had not issued tickets to a group of five passengers though he had recovered the amount in advance. The charges were found proved against the workmen and he was ordered to be dismissed.

2. Before the Labour Court both the Corporation and the workman had given out that they did not want to produce any evidence. The workman has also accepted the legality and propriety of the departmental inquiry. The Labour Court considered the matter regarding the question of punishment.

3. The Labour Court considered the punishment of dismissal to be harsh, shocking and disproportionate to the guilt and therefore the same has been set aside, and passed award for reinstatement of the workman on his original post with continuity of service. So far as backwages are concerned, the workman was ordered to be paid three months' wages as compensation.

4. The only contention raised by the learned counsel for the petitioner is that when the workman was found guilty of the charges, the labour court, while interfering with the punishment, should have substituted dismissal with lesser punishment, which has not been done in the present case. After going through the award I find that the Labour Court was not oblivious of the fact that some other punishment was required to be given. This aspect has been considered by the Labour Court which clearly comes out from the finding, "the concerned workman remained unemployed from 4-11-1982 till today as contended by him. This is sufficient punishment suffered by him. Therefore considering the circumstances, the

first party is directed to pay three months' wages as compensation to the concerned workman". The Labour Court has not given the workman the backwages, and considered it to be sufficient punishment to be given to him. I do not find any illegality in the order of the Labour Court which calls for interference by this Court.

5. No other contention is raised.

6. In the result the special civil application fails and the same is dismissed. Rule discharged. No order as to costs.

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